

DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT

Adoption of Chapter 108
Rules for Refuse Collection

1. Chapter 15-108, entitled "Rules for Refuse Collection," is adopted to read as follows:

"TITLE MC-15

DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT

SUBTITLE 01

DIRECTOR OF PUBLIC WORKS AND WASTE MANAGEMENT

CHAPTER 108

RULES FOR REFUSE COLLECTION

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SUBCHAPTER 1

GENERAL PROVISIONS

§15-108-1 Title. The rules in this chapter shall be known as the "Rules for Refuse Collection." [Eff] (Auth: MCC § 8.04.079) (Imp: MCC §8.04.079)

§15-108-2 Purpose. The purpose of these rules is to establish the means by which all refuse in the County shall be collected and removed. [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

§15-108-3 Definitions. For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used herein are defined as follows:

"Automated collection" means refuse collection service, using a county-issued refuse container (cart), which requires no manual moving and no manual lifting by county personnel.

"Automated refuse collection unit" means one county-issued refuse container.

"Bundle" means rubbish consisting of tree branches, tree trunks, hedge and plant cuttings and other similar material or cardboard cartons, wooden boxes or other similar empty containers secured together.

"Business" means a sole-proprietorship, partnership, firm, corporation, or other entity.

"Carcass" means the body of a dead animal.

"Council" means the council of the County of Maui.

"Department" means the department of public works and waste management of the County of Maui.

"Director" means the director of the department of public works and waste management or a designated representative.

"Dwelling unit" means a room or group of rooms connected together constituting an independent housekeeping unit for a family and containing a single kitchen.

"Garbage" means all organic waste not fit for human consumption.

"Manual collection" means refuse collection service using an owner-provided refuse container or bag which requires manual moving and manual lifting by county personnel.

"Manual refuse collection unit" means the aggregate of six containers, bags or bundles.

"Multifamily dwelling unit" means a building which consists of three or more dwelling units and which is designed for occupancy by three or more families living independently of each other.

"Owner" means the occupant of a residential unit; provided, however, that if the residential unit is rented to any such occupant, then "owner" means the person listed as "owner" in the real property tax records of the County of Maui.

"Refuse" means all discarded and disposable matter, including garbage and rubbish as defined in this section.

"Residential unit" means any building, structure or part thereof used for residential purposes except for multifamily dwelling units.

"Rubbish" means all solid wastes or rejected materials including, but not limited to, paper and cardboard cartons, straws, excelsior, rags, clothes, shoes, bottles, tin cans, china, glass, metal ware, grass, leaves, tree branches, tree stumps and any other material of similar character; but not including such materials as lumber or iron pipes exceeding five feet in length, concrete blocks, tile, cement, acids, explosives, ice boxes, refrigerators, ranges, radios, television sets, phonographs, bedsteads, bed springs, tables, sofas, chairs, and other furniture, water heater, water tanks, sinks and other similar materials or equipment of a weighty or bulky nature.

"Sidewalk area" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

SUBCHAPTER 2

GENERAL COLLECTION

§15-108-4 Collection requirements - preparation and placement.

(a) All refuse containers and all refuse prepared for collection, as provided in this chapter, shall be placed at one collection point. Refuse containers shall be placed within the sidewalk area as close to the roadway as practical for collection by 5:00 a.m. on collection days but not before 6:00 p.m. on the previous evenings. Unless otherwise permitted herein, refuse containers shall not be left within the sidewalk area on non-collection days. It shall be the responsibility of the owner to replace refuse containers within any refuse container enclosures.

(b) The department shall, from time to time, establish and change schedules for the collection of refuse within the County to meet proper health and sanitation standards, and shall also establish and change, from time to time, the hours for the collection of such refuse. Prior to the establishment or change of the schedules or hours of collection, the department shall publicize such proposal so that the owners who may be affected by such schedules may have reasonable notice of such change.

(c) All refuse consisting of ashes, powders, dust, sawdust, broken bottles, glass or china, needles, corrosive liquids, medical waste, or other materials likely to cause injury to persons collecting the same shall be securely wrapped or contained.

§15-108-5 Collection, removal, and disposal.

(a) The collection of refuse, as provided in this chapter, shall be carried out by the department or by such person as may be contracted by the County.

(b) The department shall collect, remove and dispose of refuse from all residential units on real property fronting on public highways and where collection service is provided. The department shall collect only the amount of refuse for which payment has been made.

(c) The department shall not serve any real property when the owner thereof has installed or provided the premises with private incineration equipment or other refuse disposal facilities which have been approved by the department as being adequate and safe and which have been approved by the State department of health.

(d) The department may provide refuse collection services to businesses or government buildings where no private collection services are available.

(e) Any refuse collected by the County and any solid waste accepted by the County shall become the property of the County.

[Eff] (Auth: MCC §8.04.079) (Imp: MCC § 8.04.079)

§15-108-6 Collection limitations. Unless otherwise provided herein, the department shall not be required to collect:

(a) Any discarded wastes, materials or objects not within the definition of garbage or rubbish, as defined in this chapter;

(b) Liquid garbage;

(c) Any refuse not prepared for collection as required in this chapter;

(d) Any refuse not properly placed for collection as required in this chapter;

(e) Any refuse placed for collection in a place which is unsafe or is likely to cause injury to the person collecting the refuse;

(f) Any refuse from any residential unit or place of business where the owner thereof has failed to pay the service charges provided for in chapter 8.04 of the Maui County Code;

(g) Any refuse scattered due to the weather, animals, or any other cause or instrumentality;

(h) Any carcass;

(i) Any garbage not sealed in a leak-proof container;

(j) Any commercial construction debris;

(k) Any animal feces; and

(l) Any refuse in excess of a refuse collection unit.

§15-108-7 Unauthorized removal of refuse prohibited. No person, other than the owner, person or entity authorized by the

owner, or authorized county personnel during work hours shall:

- (a) Remove or disturb any refuse from the place where the same has been placed for collection;
- (b) Collect or haul away any refuse from the place where the same has been placed for collection; or
- (c) Transport any refuse.

§15-108-8 Bulky refuse. Bulky refuse may be collected under procedures determined by the director. Bulky refuse shall be placed on the street or sidewalk for collection no earlier than the evening before the scheduled day(s) of collection. [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

SUBCHAPTER 3

MANUAL COLLECTION

The provisions of this subchapter shall apply only to manual collection:

§15-108-9 Collection requirements - preparation and placement.

(a) All refuse containers and all refuse prepared for collection, as provided in this chapter, shall be placed for collection within the premises to be served as close to the public highway as possible, but not more than five feet from the property line abutting the public highway. In business districts and in any premises not having a yard abutting or fronting a public highway, all refuse containers and refuse may be placed during the hour of collection on the sidewalk or shoulder area closest to the premises.

(b) Refuse shall be prepared for collection as follows:

- (1) All rubbish consisting of tree branches, tree trunks and stumps (not exceeding fifty pounds), hedge and plant cuttings, palm and coconut branches, vines and other similar materials shall be cut into lengths not exceeding three feet and shall be tied in bundles which shall weigh not more than fifty pounds each.
- (2) All empty cardboard and other fibrous cartons, wooden boxes and crates and other similar empty containers shall be flattened and securely tied in bundles which shall weigh not more than fifty pounds each.
- (3) Where refuse containers for more than one residential unit are assembled at a central pickup point, each container must have the address of the residential unit being served written on the container so the department can determine whether such residential unit is on the pickup roster.
- (4) All refuse containers shall have covers and be made of leak-proof material. Refuse containers shall not contain more than thirty-two gallons in volume of refuse. No refuse shall be accepted for collection when its gross weight, including the receptacle or container, exceeds

fifty pounds.

- (5) Bags may be utilized as refuse containers. These containers must be properly protected to withstand inclement weather and be strong enough to carry its contents when picked up by its sides or top. Such contents shall not exceed fifty pounds in weight including the weight of the box or bag, nor exceed thirty-two gallons in volume. Any spillage or scattering of refuse due to breakage of the containers when lifted will be left as is and it shall be the responsibility of the owner and not the County to promptly clean up such spillage or breakage. [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

§15-108-10 Collection, removal, and disposal. The department shall not serve any real property when the owner thereof has made provision for private collection service and has notified the department of that fact.

§15-108-11 Collection for areas inaccessible to County refuse trucks. (a) The director may designate residential units located within County refuse collection routes inaccessible to County refuse trucks. With regard to units so designated, the director may designate an alternate location where properly prepared refuse containers shall be placed for collection.

(b) Alternate refuse placement locations shall be subject to all requirements of this chapter including, but not limited to, proper refuse preparation, address identification of each refuse container, payment of refuse collection fees, and refuse collection limitations.

(c) The director may authorize a volunteer(s) to coordinate the maintenance of each alternate refuse placement location.

(d) Scattered refuse on or about the alternate refuse placement location picked up by the volunteer shall be placed in containers designated by the director. Such containers at each alternate refuse placement location shall be deemed a refuse collection unit.

(e) No person, other than the occupant of the residential unit deemed inaccessible to County refuse trucks or an authorized volunteer maintaining an alternate refuse placement location, shall place refuse at the alternate refuse placement location.

(f) Any unauthorized person placing refuse at an alternate refuse placement location shall be guilty of violating this section and littering and shall be subject to all applicable penalties pursuant to these rules and the Maui County Code as well as responsible for any cost incurred by the County for litter removal. [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

SUBCHAPTER 4

AUTOMATED COLLECTION

The provisions of this subchapter shall apply only to automated collection:

§15-108-12 Collection requirements - preparation and placement. (a) All refuse shall be placed in county-issued refuse containers with the lid closed.

(b) County-issued refuse containers shall be placed within the sidewalk area with the handle away from the street. Containers shall be placed to provide at least five feet of clearance from fences, lamp posts, fire hydrants, telephone poles, mailboxes, parked cars, and other obstructions. County-issued refuse containers shall not be emptied if cars are parked in front of or within five feet of such containers. The lateral location for each owner's refuse shall be limited to the street frontage abutting the owner's property or where approved by the director.

(c) Cardboard should be cut or torn into pieces so it falls freely from the county-issued refuse container.

(d) County-issued refuse containers shall not be left on the street or sidewalk area after the day of collection. In cases of hardship, as determined by the director, county-issued refuse containers may be left on the street or sidewalk area.

§15-108-13 Collection, removal, and disposal. All occupants of residential units located within automated refuse collection routes shall make arrangements with the department for refuse collection.

§15-108-14 County-issued refuse containers. (a) All county-issued refuse containers shall be the property of the County of Maui.

(b) No county-issued refuse container shall be damaged, modified or altered in any way.

(c) County-issued refuse containers shall be used solely for refuse collection purposes on the property to which the container has been assigned.

(d) All replacement and/or repair costs of a county-issued refuse container shall be the sole responsibility of the owner to which it was assigned, reasonable wear and tear excepted at the sole determination of the director.

SUBCHAPTER 5

MISCELLANEOUS

§15-108-15 Violations - penalty. Any person who violates any provision of these rules shall, upon conviction, be fined not more than \$1,000. [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

§15-108-16 Severability. If any subchapter, sentence, clause, phrase or portion of the provisions of these rules should for any reason be held invalid or unconstitutional by any court, the same shall not affect the validity of the rules as a whole or any part thereof other than the part so declared invalid." [Eff] (Auth: MCC §8.04.079) (Imp: MCC §8.04.079)

ADOPTED THIS _____ day of _____, 20____, at Wailuku, Maui, Hawaii.

By _____
DAVID GOODE
Director
Department of Public Works
and Waste Management

JAMES H. APANA, JR.
Mayor, County of Maui

Approved this _____ day of
_____, 20____.

APPROVED AS TO FORM AND LEGALITY:

TRACI FUJITA VILLAROSA
Deputy Corporation Counsel
County of Maui
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Received this _____ day of
_____, 20____.

ROY HIRAGA
Clerk, County of Maui

CERTIFICATION

____I, DAVID GOODE, in my capacity as Director of Public Works and Waste Management, County of Maui, do hereby certify:

1. That the foregoing is a full, true and correct copy of the rules drafted in Ramseyer format, pursuant to the requirements of Section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the County Clerk.

2. That the notice of public hearing on the foregoing Rules, which notice included the substance of such Rules was published in the Maui News on _____, 20____.

DAVID GOODE, Director
Department of Public
Works and Waste Management
County of Maui